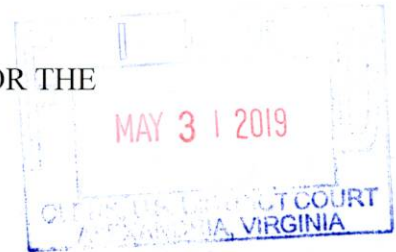


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA

v.

Case No. 1:19-MJ-256

RAUL BELLA-ROJAS

a/k/a "Raul Bello Rojas,"

a/k/a "Raul Bello-Rojas,"

a/k/a "Jose Luis Lopez,"

a/k/a "Raul Rojas,"

a/k/a "Raul Rojas Bello,"

Defendant.

AFFIDAVIT IN SUPPORT OF A
CRIMINAL COMPLAINT AND ARREST WARRANT

I, Kurt Simard, being duly sworn, state the following:

1. I am a Deportation Officer with United States Immigration and Customs Enforcement, Enforcement and Removal Operations (ICE/ERO) in Fairfax, Virginia. I have been employed with ICE since August of 2011. I was previously employed as a Border Patrol Agent with United States Customs and Border Protection for three years. During that time, I have received specialized training and have conducted numerous investigations relating to administrative and criminal violations of the Immigration and Nationality Act and Title 8 of the United States Code.

2. My duties as a Deportation Officer with ICE include investigating administrative and criminal violations of the Immigration and Nationality Act and Title 8 of the United States Code and seeking, when applicable, prosecution and removal of violators. I have received training in general law enforcement, including training in Title 8 of the United States Code.

3. This affidavit is submitted in support of a criminal complaint and arrest warrant for Raul BELLA-ROJAS (hereafter referred to as BELLA-ROJAS), an alien who was found in the United States after being denied admission, excluded, deported, or removed, or having departed the United States while an order of exclusion, deportation, or removal was outstanding, and whose removal was subsequent to the conviction for commission of a felony, in violation of Title 8, United States Code, Section 1326(a) and (b)(1).

4. The facts and information contained in this affidavit are based upon my training and experience, personal knowledge, and observations during the course of this investigation, as well as the observations of other agents involved in this investigation. This affidavit contains information necessary to support probable cause, and it is not intended to include each and every fact and matter observed by me or known to the government.

SUMMARY OF FACTS TO SUPPORT PROBABLE CAUSE

5. On or around April 28, 2019, the ICE Pacific Enforcement Response Center (PERC) in Laguna, Niguel, California, encountered BELLA-ROJAS at the Fairfax County Adult Detention Center in Virginia (FADC) after he was booked on local charges. The FADC is located in Fairfax, Virginia, which is in the Eastern District of Virginia. ICE conducted record checks and ultimately lodged an immigration detainer against BELLA-ROJAS on or about April 28, 2019.

6. On or about April 29, 2019, ICE officers responded to the FADC and obtained BELLA-ROJAS's fingerprints at that time. ICE processed those fingerprints through ICE indices containing fingerprint records of known and previously deported aliens. This system is also integrated with the criminal records maintained by the FBI and is commonly referred to as Next Generation Identification (NGI). The result of this query showed positive matches to BELLA-ROJAS and his FBI number.

7. On or around May 3, 2019, BELLA-ROJAS entered ICE custody pursuant to the above-mentioned immigration detainer.

8. On or around May 7, 2019, I reviewed documents from BELLA-ROJAS's immigration alien file (commonly referred to as an "A file") that is maintained by United States Citizenship and Immigration Services. The A file contained three fully executed Immigration Service Forms I-205, Warrant of Removal/Deportation. The I-205s bear the photograph, fingerprint, and signature of BELLA-ROJAS and confirm that he was removed from the United States to Mexico on March 29, 2012 from Brownsville, Texas, on March 4, 2013 from Del Rio, Texas, and on April 21, 2015 from El Paso, Texas.

9. The A file, along with criminal record checks, also confirms that on or around March 23, 2015, BELLA-ROJAS was convicted in the United States District Court for the District of Utah of reentry of previously removed alien, a felony.

10. On May 7, 2019, I asked the FBI Special Processing Center to compare the fingerprints that ICE obtained from BELLA-ROJAS on or around April 29, 2019 with several fingerprints from BELLA-ROJAS's A file including the fingerprints obtained on each of his I-205s. On May 7, 2019, the FBI successfully matched all submitted fingerprints to BELLA-ROJAS and his FBI number.

11. Within BELLA-ROJAS's A file are judicial findings and sworn statements by BELLA-ROJAS to ICE indicating that BELLA-ROJAS is a citizen of Mexico. In addition, BELLA-ROJAS's A file indicates that he does not have any immigration benefit, document, or status that would allow him to enter, be admitted, pass through, or reside in the United States legally and he has neither sought nor obtained permission from the Attorney General of the United

